

REMARKS

Claims 1-11, 13-18, 22 and 24-29 are pending. By this Amendment, independent claims 1, 11 and 22 are amended to further clarify the intended scope of the claimed invention, and no claims are cancelled or added. Support for the amendments can be found, for example, at pages 10-11 of the specification. No new matter has been added.

Section 101

Method claims 1-10 stand rejected under Section 101 as being directed to unpatentable subject matter. This objection is respectfully traversed.

In view of the recent Supreme Court decision in Bilski v. Kappos, it is respectfully submitted that the machine-or-transformation test applied in paragraph 4 of the Office Action is not the exclusive test for proper patentable subject matter. Moreover, it is respectfully submitted that the claimed method does comply with the machine-or-transformation test in that a computer-implemented machine steps are positively recited as being required by various steps in the method and these steps are not just a nominal recitation of structure as asserted in the Office Action. Reconsideration in view of the proper legal standard for patentable subject matter is respectfully requested.

Section 103

Claims 1, 2, 9, 11, 18, 22, 23 and 29 stand rejected as being obvious over Sheth in view of Wright and Munson. This objection is respectfully traversed.

Sheth does not teach a CVB organization having a plurality of independent service providers as members as claimed. Insteadn, Sheth teaches an opposite arrangement that is supporting the *procurement of services* on behalf of an organization, rather than the *providing of services* as part of hosting a destination event as claimed. Specifically, the private market place owner 104 and users 108 in Sheth are using the service to *procure* services for the owner 104 and its employee users 108. It is only the vendors 106 in Sheth who are *providing* services.

[0072] The private marketplace owner **104** may be an individual, business, or other entity, such as a school that has a need for procuring services. The central server **130** receives, processes, stores and distributes information between the vendors **106** and the private marketplace owner **104**. In a preferred embodiment, the information may include detailed identifying and contact information for the vendors **106** and private marketplace users **108**, descriptive information regarding RFPs (requests for proposals) and bids on RFPs, statistical reporting information, payment information, etc. The vendors **106** are service providers who place bids to perform all or a portion of one or more requested services.

[0073] The private marketplace manager **107** is the portion of the private marketplace owner **104** that is responsible for customizing the look and feel of the private marketplace, determining which users and vendors will have access to the private marketplace, managing the business reports, and determining the types of services to be procured. The private marketplace users **108** may be employees or members of the private marketplace owner **104** or other software programs performing a procurement function. The private marketplace users **108** together with the vendors **106** are allowed exclusive access to the private market. The private marketplace users **108** post the RFPs to procure services needed by the private marketplace owner **104**.

The arguments set forth in the Office Action with respect to independent claims 1, 11 and 22 all specifically equate the owner 104/users 108 with the claimed CVB organization and the independent plurality of service providers who are members of the CVB organization. Consequently, the “mapping” of Sheth onto each of the claimed elements as set forth in the Office Action is inapposite because it is the owner/users of Seth are the ones who are preparing and submitting an RFP. In contrast, the CVB and its members are responding to an RFP submitted by an outside organization. In addition, the projects referenced in Sheth cannot be equated to the claimed destination events hosted by a city or metropolitan or regional area. Moreover, there is absolutely nothing about Sheth that teaches anything relating to the claimed aggregating of multiple bids by different member service providers into a common database from which a unified response to an RFP is prepared. The paragraphs of Sheth referenced in the Office Action [paragraphs [0086; 0096 and 0146] all refer to allowing the user 108 to review multiple bids *for the same project*. There is nothing that teaches or suggests aggregating multiple bids into a single proposed response to an RFP because the entire flow of Sheth is backwards to the flow of the claimed invention.

While applicants do not acquiesce in any of the further rejections set forth in the Office Action, in view of the failure of the primary reference to teach or describe the CVB organization have a plurality of independent service providers as members as claimed, it is respectfully submitted that a *prima facie* case of obviousness has not been established. Applicants specifically reserve the right to present additional arguments and evidence directed to these rejections.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The applicants, through their attorneys, request a telephonic interview of this application in order to advance the prosecution of this case. Attached hereto is a formal request for telephonic interview.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brad D. Pedersen', with a long horizontal line extending to the right.

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